

Part 1
General Provisions

EXHIBIT 3
DATE 3/17/11
BB 576

87-2-101. Definitions. As used in 87-1-102, chapter 3, and this chapter, unless the context clearly indicates otherwise, the following definitions apply:

- (1) "Angling" or "fishing" means to take or the act of a person possessing any instrument, article, or substance for the purpose of taking fish in any location that a fish might inhabit.
- (2) (a) "Bait" means any animal matter, vegetable matter, or natural or artificial scent placed in an area inhabited by wildlife for the purpose of attracting game animals or game birds.
(b) The term does not include:
 - (i) decoys, silhouettes, or other replicas of wildlife body forms;
 - (ii) scents used only to mask human odor; or
 - (iii) types of scents that are approved by the commission for attracting game animals or game birds.
- (3) "Closed season" means the time during which game birds, fish, and game and fur-bearing animals may not be lawfully taken.
- (4) "Commission" means the state fish, wildlife, and parks commission.
- (5) "Fur-bearing animals" means marten or sable, otter, muskrat, fisher, mink, bobcat, lynx, wolverine, northern swift fox, and beaver.
- (6) "Game animals" means deer, elk, moose, antelope, caribou, mountain sheep, mountain goat, mountain lion, bear, and wild buffalo.
- (7) "Game fish" means all species of the family salmonidae (chars, trout, salmon, grayling, and whitefish); all species of the genus stizostedion (sandpike or sauger and walleyed pike or yellowpike perch); all species of the genus esox (northern pike, pickerel, and muskellunge); all species of the genus micropterus (bass); all species of the genus polyodon (paddlefish); all species of the family acipenseridae (sturgeon); all species of the genus lota (burbot or ling); the species perca flavescens (yellow perch); all species of the genus pomoxis (crappie); and the species ictalurus punctatus (channel catfish).

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(8) "Hunt" means to pursue, shoot, wound, kill, chase, lure, possess, or capture or the act of a person possessing a weapon, as defined in 45-2-101, or using a dog or a bird of prey for the purpose of shooting, wounding, killing, possessing, or capturing wildlife protected by the laws of this state in any location that wildlife may inhabit, whether or not the wildlife is then or subsequently taken. The term includes an attempt to take by any means, including but not limited to pursuing, shooting, wounding, killing, chasing, luring, possessing, or capturing.

(9) "Migratory game birds" means waterfowl, including wild ducks, wild geese, brant, and swans; cranes, including little brown and sandhill; rails, including coots; wilson's snipes or jacksnipes; and mourning doves.

(10) "Nongame wildlife" means any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other animal not otherwise legally classified by statute or regulation of this state.

(11) "Open season" means the time during which game birds, fish, and game and fur-bearing animals may be lawfully taken.

(12) "Person" means individuals, associations, partnerships, and corporations.

(13) "Predatory animals" means coyote, weasel, skunk, and civet cat.

(14) "Trap" means to take or participate in the taking of any wildlife protected by the laws of the state by setting or placing any mechanical device, snare, deadfall, pit, or device intended to take wildlife or to remove wildlife from any of these devices.

(15) "Upland game birds" means sharptailed grouse, blue grouse, spruce (Franklin) grouse, prairie chicken, sage hen or sage grouse, ruffed grouse, ring-necked pheasant, Hungarian partridge, ptarmigan, wild turkey, and chukar partridge.

(16) "Wild buffalo" means buffalo or bison that have not been reduced to captivity.

History: En. Sec. 1, Ch. 238, L. 1921; re-en. Sec. 3681, R.C.M. 1921; amd. Sec. 3, Ch. 77, L. 1923; amd. Sec. 12, Ch. 192, L. 1925; amd. Sec. 6, Ch. 59, L. 1927; re-en. Sec. 3681, R.C.M. 1935; amd. Sec. 1, Ch. 37, L. 1949; amd. Sec. 1, Ch. 36, L. 1951; amd. Sec. 1, Ch. 121, L. 1951; amd. Sec. 1, Ch. 19, L. 1953; amd. Sec. 1, Ch. 34, L. 1959; amd. Sec. 1, Ch. 11, L. 1965; amd. Sec. 1, Ch. 28, L. 1965; amd. Sec. 1, Ch. 46, L. 1971; amd. Sec. 1, Ch. 189, L. 1971; amd. Sec. 1, Ch. 167, L. 1973; amd. Sec. 1, Ch. 27, L. 1974; amd. Sec. 1, Ch. 67, L. 1975; amd. Sec. 1, Ch. 93, L. 1975; amd. Sec. 1, Ch. 113, L. 1975; amd. Sec. 1, Ch. 235, L. 1977; R.C.M. 1947, 26-201; amd. Sec. 6, Ch. 44, L. 1979; amd. Sec. 1, Ch. 46, L. 1979; amd. Sec. 1, Ch. 478, L. 1979; amd. Sec. 1, Ch. 420, L. 1983; amd. Sec. 1, Ch. 568, L. 1985; amd. Sec. 2, Ch. 28, L. 1991; amd. Sec. 5, Ch. 417, L. 1995; amd. Sec. 1, Ch. 84, L. 2003; amd. Sec. 1, Ch. 499, L. 2003.

Cross-References

Fixing of seasons and limits on game, birds, fish, or fur-bearing animals, 87-1-304.
Unlawful for "person" to conduct contest based on size of game animals, 87-3-307.

Closed season on certain game birds, 87-3-402, 87-3-403.

87-2-102. Resident defined. In determining whether a person is a resident for the

Table 4.1 Cougar population status^a and characteristics of management programs in the western United States and Canadian provinces in 2008.^b

State or Province	Population Size/Trend	Legal Status ^c	Season Dates (Bag Limit) ^d	Season Structure ^e	Dogs Allowed	Female & Cub laws	Pursuit Seasons	Mandatory Inspection	Depredation Compensation
Alberta	800–1200/I	Big game	12/1–2/28(1)	FQ, MQ	Yes	Yes	No	Yes	Yes
Arizona	1,500–2,500/Unk	Big game	9/1–5/31(1+)	Gen	Yes	Yes	No	Yes	No
British Columbia	4,000–6,000/S	Big game	9/8–6/30(2) ^f	Gen, FQ	Yes	Yes	Yes	Yes	No
California	4,000–6,000/S	Protected	NA	NA	No	NA	No	NA	No
Colorado	3,000–3,600/Unk	Big game	11/19–3/31(1)	TQ	Yes	Yes	No	Yes	Yes
Idaho	2,000/D	Big game	8/30–3/31(1–2) ^f	Gen, FQ	Yes	Yes	Yes	Yes	Yes
Montana	Unk/Unk	Big game	10/21–4/14(1)	LE, FQ, MQ	Yes	Yes	Yes	Yes	No
Nevada	2,500–3,000/S	Big game	YR(2)	TQ	Yes	Yes	No	Yes	No
New Mexico	2,000–3,000/Unk	Big game	10/1–3/31(1–2) ^g	TQ	Yes	Yes	No	Yes	No
North Dakota	27–101 adults/I	Furbearer	9/1–3/11(1)	TQ	Yes	Yes	No	Yes	No
Oregon	5,700/I	Big game	8/1–5/31(1–2) ^g	Gen, TQ	No	Yes	No	Yes	No
South Dakota	200–225/I	Big game	11/1–12/31(1)	TQ, FQ	No	Yes	No	Yes	No
Texas	Unk/S	Non-game	YR/unlimited	Gen	Yes	No	No	No	No
Utah	2,528–3,936/Unk	Big game	11/21–6/1(1) ^g	LE, TQ	Yes	Yes	Yes	Yes	Yes
Washington	1,000–2,500/D	Big game				Yes			No
	21 counties		9/1–3/15(2)	Gen	No		No	No	
	6 counties		12/1–3/31(2)	LE, TQ, FQ	Yes		Yes	Yes	
Wyoming	Unk/S	Trophy game	9/1–3/31(1) ^g	TQ, FQ	Yes	Yes	No	Yes	Yes

^aPopulation size and trend based on subjective information such as harvest data, sightings, nuisance incidents, extrapolation of localized field research, and/or literature-based density estimates extrapolated to suitable cougar habitat. Trend: I = increase; S = stable; Unk = unknown; D = decrease. Population size and trend information reported from most recent management summaries (Becker et al. 2003 or Martorello and Beausoleil 2005) if available, information accessible from agency websites, or Beausoleil et al. 2008.

^bInformation accessed from management agency Web sites.

^cLegal status change from predator to game animal: Colorado and Nevada in 1965; British Columbia and Washington in 1966; Oregon and Utah in 1967; California in 1969; Alberta, Arizona, Montana, and New Mexico in 1971; Idaho in 1972; and Wyoming in 1973. Legal status in California changed from game animal to specially protected mammal in 1990, and from protected to game animal in South Dakota in 2003 and North Dakota in 1991 (with a closed season until 2005).

^dBag limit = maximum number of cougars harvested/hunter/year except in Arizona where some management areas allow for 1 cougar harvested/hunter/day.

YR = cougar hunting seasons open year-round.

^eSeason structure: Gen = general; LE = limited entry; TQ = total quota; FQ = female quota or female subquota when used in combination with TQ; and MQ = male quota.

^fSeason dates vary among management areas within interval reported.

^gSome management areas are open to cougar hunting year-round.

the harvest so that they know when the quota has been met. This is accomplished using a toll-free hotline that is continually updated as cougars are harvested; hunters are expected to monitor the harvest by accessing the hotline. Occasionally, quotas are exceeded because there is often a lag in the reporting of kills and their entry on the hotline. This should be recognized and adjusted for in the development of harvest quotas. Female subquotas can be used to support a management objective of sustaining harvest levels by limiting female harvest levels and reducing impact on the cougar population. Potential disadvantages of harvest quotas are that the number of hunters per management unit is unlimited until

quotas are filled, and quotas may be exceeded if several cougars are taken toward the end of the season but before the harvest is recorded on the quota hotline.

All human-caused cougar deaths (including depredation control removals and known accidental deaths, such as from vehicle collisions) may or may not be counted against the quota; Wyoming, for example, recently moved to include all such deaths in its quota for fuller accountability. Counting all human-caused mortalities toward management quotas is a desirable management strategy because mortality factors other than hunting likely contribute to cougar population dynamics (Laundré et al. 2007).

Summary of Mountain Lion Attacks* on Humans in North America, 1890-2004

Numbers in parentheses are: # incidents, # injuries, # deaths

State or Province	1890-1964	1965-1984	1985-2004	Total
Alberta	(1, 1, 0)	(2, 2, 0)	(2, 1, 1)	(5, 4, 1)
Arizona			(4, 4, 0)	(4, 4, 0)
British Columbia	(9, 9, 1)	(15, 16, 2)	(10, 8, 3)	(34, 33, 6)
California	(2, 0, 3)		(10, 9, 3)	(12, 9, 6)
Colorado		(2, 2, 0)	(6, 4, 2)	(8, 6, 2)
Idaho			(1, 1, 0)	(1, 1, 0)
Montana			(3, 2, 1)	(3, 2, 1)
Nevada		(1, 1, 0)	(1, 1, 0)	(2, 2, 0)
New Mexico		(1, 0, 1)		(1, 0, 1)
Texas	(1, 1, 0)	(3, 4, 0)	(2, 2, 0)	(6, 7, 0)
Washington	(1, 0, 1)	(1, 2, 0)	(2, 2, 0)	(4, 4, 1)
TOTAL	(14, 11, 5)**	(25, 27, 3)**	(41, 34, 10)**	(80, 72, 18)**

*Attacks are those that resulted in a documented physical injury.

**Total number of injuries and deaths may exceed # of incidents due to more than one injury and/or death occurring per incident.

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FINAL
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MANAGEMENT OF MOUNTAIN LIONS
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January 1996



Montana Fish,
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**The Garnet Mountain Lion Study: characteristics of a
hunted population in west-central Montana**

Final Report: August, 2010

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